

RECORD OF PROCEEDINGS

Dublin City Council

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

June 23, 2014

Held _____ 20 _____

CALL TO ORDER

Vice Mayor Gerber called the Monday, June 23, 2014 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

ADJOURNMENT TO EXECUTIVE SESSION

Vice Mayor Gerber moved to adjourn to executive session to discuss land acquisition, legal and personnel matters, specifically the employment of a public employee.

Ms. Chinnici-Zuercher seconded the motion.

Vote on the motion: Ms. Salay, yes; Vice Mayor Gerber, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Peterson, yes; Mr. Lecklider, yes.

The meeting was reconvened at 7:25 p.m.

ROLL CALL

Members present were Vice Mayor Gerber, Ms. Chinnici-Zuercher, Mr. Peterson, Ms. Salay, Mr. Lecklider and Mr. Reiner. Mayor Keenan was absent (excused) because of an unanticipated travel delay.

Staff members present were Ms. Grigsby, Ms. Crandall, Mr. Smith, Ms. Readler, Mr. Hartmann, Mr. McDaniel, Mr. Foegler, Ms. Mumma, Ms. O'Callaghan, Chief von Eckartsberg, Mr. Wagner, Mr. Hammersmith, Mr. Hahn, Mr. Langworthy, Ms. Burness, Ms. LeRoy, and Mr. Kridler.

PLEDGE OF ALLEGIANCE

Ms. Chinnici-Zuercher led the Pledge of Allegiance.

SPECIAL PRESENTATIONS/PROCLAMATIONS

- Proclamation – Recognizing Bill Grubaugh, Acting Director of Streets and Utilities

Vice Mayor Gerber read and presented a proclamation to Bill Grubaugh, who has served as Acting Director of Streets and Utilities for over 17 months.

Mr. Grubaugh expressed his appreciation to City Council, the City Manager, Mr. McDaniel and the staff he works with for their support during his time as Acting Director.

Ms. Grigsby added her thanks to Mr. Grubaugh for his willingness to serve in this position over the past 17 plus months. This was a challenging assignment, over a period of extreme snow events and she is appreciative of his service to the City.

Vice Mayor Gerber added that Dublin's leaf pick-up and snow removal services are second to none in central Ohio and across the country, which is a tribute to him and the team.

CITIZEN COMMENTS

There were no comments from citizens.

CONSENT AGENDA

(Items proposed for the Consent Agenda are acted upon by a single motion and vote of Council. However, upon request of a Council Member, any proposed consent agenda item may be removed from the consent agenda for further discussion/consideration under the regular order of business.)

There were no requests to remove items from the consent agenda.

Vice Mayor Gerber moved approval of the actions for the 18 items listed on the consent agenda.

Ms. Salay seconded the motion.

Vote on the motion: Mr. Peterson, yes; Ms. Salay, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Vice Mayor Gerber, yes; Mr. Lecklider, yes.

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Mr. Lecklider noted that he is abstaining from approval of the meeting minutes, as he was not in attendance on June 9.

- Minutes of June 9, 2014 Regular Council meeting
- Notice to Legislative Authority of New D5I liquor permit for Slice of Dublin, LLC dba LaRosa's, 7048 Hospital Drive, Dublin, OH 43016
- **Ordinance 52-14 (Introduction/first reading)**
Authorizing the City Manager to Execute Conveyance Documents to Acquire a 0.008 Acre, More or Less, Temporary Easement from **Scioto Family Partnership**, for the Property Located at the Southeast Corner of Dublin Road and East Waterview Drive for the Construction of Improvements at the Intersection of Dublin Road and Glick Road, and Declaring an Emergency. (Second reading/public hearing July 1 Council meeting)
- **Ordinance 53-14 (Introduction/first reading)**
Authorizing the City Manager to Execute Conveyance Documents to Acquire a 0.006 Acre, More or Less, Fee Simple Interest; and a 0.074 Acre, More or Less, Temporary Easement from **Scioto Family Partnership**, for the Property Located on the North Side of Glick Road between East Osage Drive, Benmar Drive, and Shawnee Trail, for the Construction of Improvements at the Intersection of Dublin Road and Glick Road, and Declaring an Emergency. (Second reading/public hearing July 1 Council meeting)
- **Ordinance 54-14 (Introduction/first reading)**
Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire a 0.040 Acre, More or Less, Fee Simple Interest from **James G. Clymer**, for the Property Located at 7379 Sawmill Road for the Construction of Improvements at the Intersection of Sawmill Road and Hard Road. (Second reading/public hearing July 1 Council meeting)
- **Ordinance 55-14 (Introduction/first reading)**
Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire a 0.023 Acre, More or Less, Temporary Easement from **Dogwood Enterprises, LP**, for the Property Located at 7315 Sawmill Road for the Construction of Improvements at the Intersection of Sawmill Road and Hard Road. (Second reading/public hearing July 1 Council meeting)
- **Ordinance 56-14 (Introduction/first reading)**
Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire a 0.008 Acre, More or Less, Temporary Easement; and a 0.024 Acre, More or Less, Temporary Easement from **Larry F. Burchfield and Catherine A. Burchfield** for the Construction of Intersection Improvements at the Intersection of Dublin Road and Glick Road, and Declaring an Emergency. (Second reading/public hearing July 1 Council meeting)
- **Ordinance 57-14 (Introduction/first reading)**
Authorizing the Appropriation of a 0.007 Acre, More or Less, Fee Simple Interest; a 0.027 Acre, More or Less, Temporary Easement; and a 0.032 Acre, More or Less, Temporary Easement from **Musca Properties, LLC**, for the Property Located at 9110 Dublin Road for the Construction of Improvements at the Intersection of Dublin Road and Glick Road, and Declaring an Emergency. (Second reading/public hearing July 1 Council meeting)
- **Ordinance 58-14 (Introduction/first reading)**
Authorizing the Appropriation of a 0.472 Acre, More or Less, Fee Simple Interest, of which 0.419 Acre, More or Less, is Present Road Occupied; and a 0.259 Acre, More or Less, Temporary Easement from **Mary J. Williston, Trustee of the Mary J. Williston Trust**, for the Property Located at the Southeast Corner of Dublin Road and Glick Road for the Construction of

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Improvements at the Intersection of Dublin Road and Glick Road, and Declaring an Emergency. (Second reading/public hearing July 1 Council meeting)

- **Ordinance 59-14 (Introduction/first reading)**

Authorizing the Appropriation of a 0.052 Acre, More or Less, Fee Simple Interest; a 0.009 Acre, More or Less, Storm Sewer Easement; a 0.016 Acre, More or Less, Temporary Easement; and a 0.054 Acre, More or Less, Temporary Easement from **Stephen H. Heinlen and Kendra E. Heinlen**, for the Property Located at 5300 Glick Road for the Construction of Improvements at the Intersection of Dublin Road and Glick Road, and Declaring an Emergency. (Second reading/ public hearing July 1 Council meeting)

- **Ordinance 60-14 (Introduction/first reading)**

Authorizing the City Manager to Execute Conveyance Documents to Accept the Donation of a 0.014 Acre, More or Less, Permanent Access Easement from **Christoff Land and Development, LLC**, for the Property Located at 6465 Sawmill Road to Provide Pedestrian Access to Bicycle Parking Racks, Benches and Other Similar Facilities Open to the General Public. (Second reading/public hearing July 1 Council meeting)

- **Ordinance 61-14 (Introduction/first reading)**

Authorizing the Appropriation of a 1.490 Acre, More or Less, Fee Simple Interest, a 0.384 Acre, More or Less, Fee Simple Interest; a 0.366 Acre, More or Less, Slope Easement from Property Located Adjacent to and Northeast of Dale Drive Owned by **Dale Drive Properties, LLC**, to Connect Dale and Tuller Ridge Drives and for the Construction of the New Park Avenue, and Declaring an Emergency. (Second reading/public hearing July 1 Council meeting)

- **Ordinance 62-14 (Introduction/first reading)**

Authorizing the Appropriation of a 0.385 Acre, More or Less, Fee Simple Interest; a 0.004 Acre, More or Less, Fee Simple Interest; and a 0.320 Acre, More or Less, Temporary Easement from Property Located at 6700 Tuller Ridge Drive Owned by **G&I VI Sycamore Ridge, LLC** to Connect Dale and Tuller Ridge Drives, and Declaring an Emergency. (Second reading/public hearing July 1 Council meeting)

- **Ordinance 63-14 (Introduction/first reading)**

Authorizing the Appropriation of a 0.013 Acre, More or Less, Fee Simple Interest and a 0.020 Acre, More or Less, Temporary Easement from Property Located at 4370 Tuller Ridge Road Owned by **Store Master Funding IV, LLC** to Connect Dale and Tuller Ridge Drives, and Declaring an Emergency. (Second reading/public hearing July 1 Council meeting)

- **Ordinance 64-14**

Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire a 0.562 Acre, More or Less, Permanent Easement; and a 0.245 Acre, More or Less, Temporary Easement from **Dublin Techmart, LLC and Techmart Venture, LLC** as Tenants in Common for the Burial of Overhead Electric and Telecommunications Utility Lines Underground along Frantz Road. (Second reading/public hearing July 1 Council meeting)

- **Resolution 47-14 (Introduction/vote)**

Accepting the Lowest and Best Bid for the Muirfield Village Waterline Improvements - Phase II. (14-012.0 CIP)

- **Resolution 48-14 (Introduction/vote)**

Accepting the Lowest and Best Bid for the Riverside Drive/Hard Road Right Turn Lane Project. (09-010.0 CIP)

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- **Resolution 56-14 (Introduction/vote)**

Declaring Certain City-Owned Property as Surplus and Authorizing the City Manager to Dispose of Said Property in Accordance with Section 37.08 of the Dublin Codified Ordinances.

SECOND READING/PUBLIC HEARING – ORDINANCES

Ordinance 45-14

Authorizing the Execution of the City of Dublin – Tolles Career and Technical Center Bridge Street District Cooperative Agreement, and Declaring an Emergency.

Ms. Mumma stated that this agreement covers the Bridge Street District area. As outlined in the staff memo, the City is required under Ohio law to compensate the Career Center within the jurisdiction at the same rate and under the same terms as have been agreed to by the Dublin City Schools. That agreement was approved by Council a few months ago. Staff considered the proportional millage rate that Tolles collects relative to the Dublin City Schools' rate and devised an annual compensation amount to be paid to Tolles. In the first 32 years, ranging from 2014 through 2045, based on the 1.6 mills that Tolles collects, the City would pay the District \$36,965.00 annually. In the 33rd year of the agreement, the City would compensate Tolles \$53,822.00. Therefore, over the course of a 33-year time period, their compensation would be \$1,236,702.00. In return for this compensation, the City would have the ability to set up tax incentive districts. During years 1 through 15 of the agreement, the City would receive 100 percent of the payments in lieu of taxes generated on improvements within the Bridge Street District defined area; in years 16 through 30, the District would receive 10 percent of what they would have received, had the TIF not been established. These are the same parameters as what was agreed to with the Dublin City School District.

There was no public testimony.

Vice Mayor Gerber moved for emergency passage.

Mr. Reiner seconded the motion.

Vote on the motion: Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Lecklider, yes; Mr. Peterson, yes; Vice Mayor Gerber, yes; Ms. Salay, yes.

Vote on the Ordinance: Vice Mayor Gerber, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes; Mr. Peterson, yes; Mr. Lecklider, yes; Ms. Salay, yes.

Ordinance 46-14

Amending Section 2 (Wage & Salary Structure/Administration), Paragraph A of Ordinance 73-06 ("Compensation Plan for Non-Union Personnel") for the Purpose of Incorporating Certain Job Classification Titles and Corresponding Pay Grades.

Mr. Wagner stated that this ordinance establishes two positions: Land Acquisition and Utility Manager, which deals with right-of-way acquisition; and Infrastructure Asset Manager Engineer, which will address infrastructure maintenance.

Ms. Chinnici-Zuercher asked for confirmation that these are not two additional positions, but instead new positions that will replace existing positions not filled. Will the two vacant positions be removed from the table of organization?

Mr. Wagner confirmed that is correct.

Ms. Grigsby added that as part of the next operating budget process, the staffing requests will be modified accordingly.

There was no public testimony.

Vote on the Ordinance: Vice Mayor Gerber, yes; Mr. Reiner, yes; Ms. Salay, yes; Mr. Peterson, yes; Mr. Lecklider, yes; Ms. Chinnici-Zuercher, yes.

Ordinance 49-14

Authorizing the City Manager to Execute Necessary Conveyance Documents to Acquire 0.054 Acre, More or Less, Temporary Easement from Quezada

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Real Estate Investments, Ltd. for the Construction of Intersection Improvements at Dublin and Glick Roads, and Declaring an Emergency.

Ms. Grigsby stated that the Dublin/Glick Road intersection improvements are being done by the City in partnership with the Village of Shawnee Hills, ODOT and Delaware County. This legislation relates to the acquisition of a property needed for the project. The amount of the settlement is the appraised value, and staff is hopeful that agreement will be reached on other properties in the near future. Award of the bid for the intersection improvements is scheduled for the July 1 Council meeting.

There was no public testimony.

Vice Mayor Gerber moved for emergency passage.

Ms. Chinnici-Zuercher seconded the motion.

Vote on the motion: Mr. Lecklider, yes; Mr. Reiner, yes; Mr. Peterson, yes; Ms. Chinnici-Zuercher, yes; Ms. Salay, yes; Vice Mayor Gerber, yes.

Vote on the Ordinance: Ms. Salay, yes; Mr. Lecklider, yes; Mr. Reiner, yes; Mr. Peterson, yes; Ms. Chinnici-Zuercher, yes; Vice Mayor Gerber, yes.

Ordinance 50-14

Amending Ordinance No. 14-96 passed April 1, 1996, to Supplement the Description of Eligible Infrastructure Improvements Payable from the Tax Increment Financing Funds, Pursuant to that Ordinance. (Thomas-Kohler TIF amendments)

Ms. Mumma stated that this ordinance amends legislation approved in 1996, specifically the Thomas-Kohler TIF that was originally established to provide for the construction of Emerald Parkway as well as Woerner-Temple Road. This TIF has been modified twice – in 1999 and again in 2002, and Ordinance 50-14 is another modification to include the widening of Avery Road from Woerner-Temple to Rings Road West and the construction of a roundabout at the intersection of Avery Road and Rings Road West in the list of eligible infrastructure improvements. Design dollars are programmed within the 2014-2018 CIP, and those improvements would be funded through these TIF proceeds. This TIF is a non-school TIF at this point in time, and sufficient notice has been provided to the School District. No additional information from the District is necessary.

Ms. Salay asked for clarification that these improvements are listed in the "Beyond 2018" category in the CIP, and that they will not be constructed in the near future.

Ms. Mumma responded that is correct.

There was no public testimony.

Vote on the Ordinance: Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Peterson, yes; Vice Mayor Gerber, yes; Ms. Salay, yes; Mr. Lecklider, yes.

Ordinance 51-14

Declaring the Improvement to Certain Parcels of Real Property in the City's Bridge Street District to be a Public Purpose and Exempt from Taxation; Providing for the Collection and Deposit of Service Payments and Specifying the Purposes for Which Those Service Payments May be Expended; Specifying the Public Infrastructure Improvements Directly Benefiting to the Parcels; and Authorizing Compensation Payments to the Dublin City School District and the Tolles Career and Technical Center. (Vrable TIF)

Ms. Mumma stated that this is the first development agreement or TIF that is being created within the parameters of the Bridge Street District agreement entered into with Dublin City Schools a few months prior. In June of 2013, the City executed a development agreement and TIF financing agreement with Vrable Land Holdings, in conjunction with their development of a skilled nursing facility at the southwest corner of Tuller Road and Tuller Ridge Drive. As part of that agreement, the City committed to construct John Shields Parkway in two phases. The first phase is from Tuller Ridge Road on the east to a point along the eastern edge of the future Mooney Street, which

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runs north and south, adjacent to the skilled nursing facility as well as continuing John Shields Parkway down to the relocated Riverside Drive. As part of that development agreement, the City projected the TIF revenues and agreed to fund those public infrastructure improvements. This is the first TIF being established in the Bridge Street District. Staff has incorporated into a broad range into the list of public improvements – not only those specific to this particular development, but ones that will allow the use of the TIF revenues throughout the Bridge Street District.

There was no public testimony.

Vote on the Ordinance: Mr. Peterson, yes; Mr. Lecklider, yes; Vice Mayor Gerber, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Ms. Salay, yes.

INTRODUCTION/PUBLIC HEARING/VOTE - RESOLUTIONS

Resolution 55-14

Authorizing the City Manager to Enter into an Equipment Lease Agreement between the City of Dublin and Dublin Advanced Energy Partners, Ltd.

Ms. Chinnici-Zuercher introduced the resolution.

Ms. Crandall stated that staff has been working with IGS Energy and Hull and Associates for several months on a lease agreement for a combined heat and power installation at the Dublin Recreation Center. IGS Energy and Hull and Associates have formed Dublin Advanced Energy Partners, Ltd., with plans to expand this business concept and to use the Recreation Center CHP installation as a demonstration site for future potential clients.

She provided a brief overview.

- Combined heat and power is a system that produces electricity and thermal energy from one fuel source. For Dublin's installation at the DCRC, it will be fueled by natural gas – an abundant, clean and domestic-based fuel.
- This installation will produce 60 percent of the electricity needed to power the Rec Center.
- The advantage of a combined system is that the wasted or spent heat energy produced by the unit is then captured and that, in turn, is used to preheat the water before it enters the boiler systems.
- For this type of an installation, the efficiency is 90 percent -- compared to traditional electric generation at 34 percent. There will also be reduced emissions with this system.
- The facility would remain connected to the grid, but if there is a loss of grid power, this system will run independently and produce 60 percent of the power needed for the Center.
- She shared a slide depicting the location of the system at the DCRC.
- This is a 15-year lease agreement, with an estimated monthly lease of \$8,500. This will be calculated and adjustments made at the end of the year, because this amount is based on actual kilowatt generation. There would be a meter on the actual CHP unit.
- For the first five years, the rates are locked; in years 6 through 15, there is an annual increase of 3 percent.
- In terms of direct savings, in the first five years, the direct energy cost savings is just \$20,000. Some of the indirect savings are a planned boiler replacement that would not be needed, resulting in a cost savings of \$70,000. This will also extend the life cycle of the other two existing boilers.
- The system will allow independent operation of the Center, if the grid connection is lost.
- This is a partnership of IGS Energy and Hull and Associates, both Dublin-based companies. They will be assisted by three other Dublin-based companies – Prater Engineering, Kinetics Noise Control and Air Force One.

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- The installation and maintenance of this unit will be the responsibility of Dublin Advanced Energy Partners. This is their first installation and the first unit in central Ohio.

She introduced the representatives present from IGS Energy and Hull and Associates, including Patrick Smith, Vice President of IGS Energy and Steve Giles, Vice President for Alternative Energy, Hull and Associates.

Mr. Reiner stated that this is a fairly long-term lease. Who will maintain the system under the terms of the agreement?

Ms. Crandall responded that Dublin Advanced Energy Partners would be responsible for installation and ongoing maintenance. The City pays only for the energy the unit produces, not for any maintenance costs.

Ms. Salay stated that a slide presented indicated a price of 12.52 cents, but the memo indicated 8.4 cents per kWh as being a current rate and 8.3 cents per kWh as the new rate.

Patrick Smith, Vice President, IGS Energy stated that 12.52 cents is the rate per engine operating hour. The 8.4 cents is the effective electric rate.

Ms. Salay asked if the 8.3 cents is a competitive rate within the marketplace.

Mr. Smith responded affirmatively. The City's current rate is between 8.4 and 8.5 cents per kWh.

Ms. Chinnici-Zuercher asked if the other systems in the state of Ohio were done by IGS.

Mr. Smith responded that they were not. There is one other project that IGS and Hull and Associates are involved in - a landfill gas energy project, a one-megawatt project, which is approximately four times larger than the project in Dublin. It has been operational for over two years and runs on landfill gas, producing power for the grid. The other projects in Ohio were not done by them. The most recent project in Ohio was done several years ago. There are about 51 installed throughout the state.

Ms. Salay asked if the expectation is that this installation will be trouble free, given the dependence the City will have on it.

Ms. Crandall responded that the Rec Center will still be connected to the grid. If this system were not operational, the Center would continue to be fully powered.

Mr. Lecklider commented that this is an exciting opportunity. He is pleased that the City is involved with it, and that it involves Dublin companies. He is hopeful that the parties involved will expand and market this to other entities, which is in everyone's best interest.

Vice Mayor Gerber thanked staff for their work on this, which will be the first installation of such a system in central Ohio.

Vote on the Resolution: Mr. Reiner, yes; Mr. Peterson, yes; Ms. Chinnici-Zuercher, yes; Ms. Salay, yes; Vice Mayor Gerber, yes; Mr. Lecklider, yes.

STAFF COMMENTS

- Fee Waiver Request from Don Heil, President, Midwest Irish Promotion Group

Ms. LeRoy stated the packet includes the fee request from Mr. Heil, as well as staff's response. Mr. Heil provided additional comments in writing to Council tonight. The community organization portion of the Festival fees has been in effect since 2007. In 2010, the City began charging for the actual cost of the tent. This year, the administrative costs were added, as some groups brought their own tents and therefore paid no fees. Staff is recommending that the 2014 increase in the fee not be waived for this application.

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Vice Mayor Gerber invited the applicant to testify.

Don Heil, Box 261, Columbus, OH 43216 stated that he represents Midwest Irish Promotion Group. He acknowledged that Council will likely follow the staff recommendation of keeping the fee increase intact. He has over 20 years of history with the Irish Festival. In recent years, the Festival planners have pushed the community organizations to the wayside. The Scottish Rite people realized this when the fees were introduced for the non-profit organizations. There are many other expenses involved for non-profit organizations aside from set-up and staffing a booth. For the first 10 years, the Dublin Irish Festival operated at a loss. Recent times reflect an actual profit. With the budget in the black, the Festival now wants the non-profits to be pushed to the wayside – after their support helped to establish the Dublin Irish Festival as the number two Irish festival in the country. The Festival is pushing them out with unlimited increases for the fees. To jump from \$100 to \$250 fees for non-profits with limited funds is unfair. Charging for a tent and then for the space is wrong. They are not a commercial business gaining revenue from this venture. They promote the original ideas of the Dublin Irish Festival -- namely, history, culture, heritage and music, with examples of each at their booth.

Ms. Chinnici-Zuercher stated that these are serious accusations about the Festival/City interest in pushing out non-profit and community organizations. She asked Ms. LeRoy to address the reasons for the fee structure and the essential elements for the participation.

Ms. LeRoy responded that staff looked at the options for these groups, one of which would have been to include them in the sponsor area at a \$5,000 fee. Some of the non-profit groups brought their own tent, and so no fees were paid. As a result, the City provided all of the administrative support at no cost to the non-profit group. Staff reviewed the costs of supporting these booths, which includes lights in the tents, electricity, staff time to process the organization's application, etc.

Ms. Chinnici-Zuercher stated that Mr. Heil's comments indicate the City charges for the tent and for space. Is that accurate?

Ms. LeRoy responded that his position is that the administrative costs translate to charging for the space. The previous fee of \$100 was the exact cost to the City for the tent from the company who provides them.

Mr. Reiner asked Mr. Heil to provide more information about the organization.

Mr. Heil responded that Midwest Irish Promotion Group is affiliated with Midwest Irish Radio in County Mayo, Ireland, but they receive no backing from them whatsoever. He is a member of the Shamrock Club and the Ancient Order of Hibernians social group. Years ago, they noted that no organization was sharing information about the history of Ireland and all of the various facets. That is the intent of their booth – promoting Ireland, sharing Irish history, culture, heritage and music. Examples of these were on display at the booth. They shared history of the Irish people and provide links to reference material. Their organization provided something to the Festival that did not previously exist. However, with the fee increases, they will no longer be involved. He wanted to present this side to the Festival, and asked if Council really wants the Festival to change from what it was years ago to something like the Ohio State Fair.

Vice Mayor Gerber asked how many members are in their group.

Mr. Heil responded there are about 27 active members, as well as other volunteers who work with them.

Vice Mayor Gerber asked if the group is an Ohio corporation.

Mr. Heil responded that they are not a corporation and are not a 501c3. Part of the reason for that is because he heads Single Activities Today, which is listed with the Better Business Bureau. However, Midwest Irish Promotion Group is not listed with the Better Business Bureau. Unless an organization receives outside funding, there is

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not a requirement to file and obtain 501c3 status. This would involve significantly more paperwork each year.

Ms. Chinnici-Zuercher asked for confirmation of the fee for this organization for 2014 participation.

Ms. LeRoy responded that the fee is \$250, or \$150 if they bring their own tent.

Ms. Chinnici-Zuercher asked if this is in line with what other similar organizations are paying.

Ms. LeRoy responded that is correct.

Mr. Lecklider stated that he appreciates this organization's contributions to the Irish Festival over many years, especially in the early years. It seems there is a philosophical decision to make. However, things do change – and the Festival has grown tremendously over the years. From Mr. Heil's perspective, he believes the fee change is not warranted for a group such as his. However, those involved with the Festival have experienced change in fees, set-up, etc. over the years. Some changes are good, although there are some changes about which he personally is not enthusiastic.

Mr. Heil noted that Milwaukee does not charge for groups such as his. He does not believe that the Dublin Irish Festival can be compared with the other events cited in the memo. It should be compared with Irish Festivals in cities such as Cincinnati, Dayton and Milwaukee.

Vice Mayor Gerber recalled the discussion about fees earlier this year. He was satisfied that this fee increase was *de minimus* in nature for such organizations and felt a \$250 fee was reasonable.

Mr. Heil stated that the City did not charge their organization for many years.

Ms. Chinnici-Zuercher moved approval of the staff recommendation (denial of the waiver of the 2014 fee increase for a non-profit organization).

Mr. Reiner seconded the motion.

Vote on the motion: Ms. Salay, yes; Mr. Lecklider, yes; Vice Mayor Gerber, yes; Mr. Peterson, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes.

- Revised Layout for Dublin Irish Festival in Coffman Park

Ms. LeRoy noted that the park improvements have been underway, as everyone is aware. She shared a map depicting the layout, including land being used for the first time. No new elements are being added, but efforts are underway to reduce overcrowding in areas such as the rock stage. Other food tents have been added adjacent to the rock stage area. Some food trucks have been added as well. Minor changes to some shuttle drop-off areas are being implemented. The children's bounce toy area, previously located on the old side of the park, was very crowded and so it has been moved and shade tents have been added. The free children's area, sponsored by Wendy's, will remain in its current location. The Celtic Canine area will be expanded, based on the high level of interest. The Bog ponies will also be in that area, which will complement the Coffman House and barn area. The sports fields have been given more space. The path system installed now throughout the park will facilitate the beverage restocking. In addition, the restrooms have been moved to locations that can be serviced at night by the companies that provide them. Staff believes that all of the changes are positive ones and that the vendors will be pleased with the changes.

She added that the Festival now has reached 30,000 Facebook fans, as evidenced in the congratulatory cake provided tonight by Brian Ferrier of Giant Eagle, who is the 2014 Honorary Chair. This is a huge milestone, as last year in June, the number was 20,000. The messaging is effective, based upon the users.

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Vice Mayor Gerber thanked her for the update, noting that she and the staff do a wonderful job with the Festival.

Ms. Chinnici-Zuercher asked about the Council binders for the DIF, where it notes that in order for someone to use a Council member's guest pass, they must be accompanied by the Council member.

Ms. LeRoy responded that this only applies to the Council guest pass – not the complimentary tickets that can be given out by Council members. The credential with the bar code will provide access for Council through the festival entry gate as well as to all VIP areas at the Festival. The goal was to ensure that the Council member guest pass was used by someone who accompanies Council members.

Ms. Chinnici-Zuercher stated that this is problematic, as she may not always accompany the guest she has invited.

Ms. LeRoy responded that this can be reviewed and modified if desired.

Ms. Salay agreed that this is problematic. She is pleased that the credential with the bar code will give her access to all of the areas, including the entry gate. She thanked staff for this change that has been made.

Mr. Reiner asked if the City receives a percentage of sales for the food trucks that have been added to the Festival. Is the City leasing the space to them?

Ms. LeRoy responded that they are charged a flat fee for use of the space. When staff reviewed the option of charging a percentage of their sales, it was determined this would require a large amount of staff time to administer. If the weather is good, the vendor does well with the flat fee, but in the case of inclement weather, they still must pay the fee.

Mr. Reiner noted that Dublin's Festival is not the number one festival in the country, as Milwaukee has a larger area and has one more day for the Festival. Now that the Festival grounds are enlarged to the south, reducing the impact on surrounding residents who live adjacent to Coffman Park, is there any consideration being given to adding a day – in order to become the largest Irish Festival in the country?

Ms. LeRoy responded that this has likely been brought up, and can always be considered. However, the City of Milwaukee has beautiful festival grounds along the lake and draws huge numbers.

Mr. Reiner added that the vendors he has spoken with over the years indicate that Dublin's is the best festival, Dublin takes the best care of the people and is the best organized. It would be interesting to see the results of the rankings if a day were added, given the effort involved in staging the festival each year.

Ms. LeRoy added that after the Honorary Chair reception, there will be an official opening of the new bridge and south portion of the park. More information will be provided about this in the coming weeks.

Mr. Lecklider commented that during discussions about the expansion of Coffman Park, he recalls that one of the objectives was to relocate some of the stages at the north end where sound impacted the surrounding residents, particularly Tara Hill and Shannon Park and Village. He has not heard of any relocation of stages in the updated layout provided tonight.

Ms. LeRoy responded that at this point, staff wants to assess the Celtic Rock stage noise levels. As Coffman Park improvements continue in the next phases, there may be an opportunity to move more components of the Festival into the western end and begin to abandon some of the areas at the north end. This is one of the reasons the children's bouncy area was located in the new portion, given the noise levels.

Mr. Lecklider noted that the concentration of the vending area in the north works very well. In any event, to the extent possible, he was hopeful of providing relief to the residents from the noisier components.

Ms. LeRoy stated that Parks has kept Events Administration informed of changes and opportunities for the future.

Vice Mayor Gerber thanked Ms. LeRoy for the update.

COUNCIL COMMITTEE REPORTS

- Council Representative to Planning & Zoning Commission

Ms. Salay stated that she has no report at this time, as she was not able to attend the most recent meeting. Council has been apprised of the Commission's meeting actions from the follow-up e-mails from staff.

- Council Standing Committees

Ms. Salay, Public Services Chair stated that the Committee met earlier tonight to discuss the memo and hear the presentation from Ms. O'Callaghan and Ms. Lozier regarding the solid waste services contract. The Committee unanimously endorses the staff recommendation for Contractor-Designed Option A, which would involve some changes and education of the residents. Ultimately, this option would bring significant cost savings, positive environmental impacts, and may increase recycling.

Vice Mayor Gerber asked if Council is being requested to vote on this recommendation tonight.

Ms. Grigsby responded that staff will have legislation on Tuesday, July 1 for Council's consideration. It will include the Contractor-Designed Option A, as endorsed by the Public Services Committee.

Ms. Chinnici-Zuercher, Finance Committee Chair stated the Committee will meet on August 11 at 6 p.m. for the quarterly update. The CIP workshop is scheduled on August 18 at 6:30 p.m. The Committee had indicated to the Dublin A.M. Rotary that they could return with their hotel/motel tax grant application after the Rotary had fully vetted their proposed project. The Rotary has now submitted the application and a meeting date needs to be scheduled for the Finance Committee review. She suggested that the Finance Committee could meet at 6 p.m. on Tuesday, July 1 or could review this in August at 6 p.m. on a Council meeting night.

Vice Mayor Gerber stated that he will check his calendar for Tuesday, July 1.

Ms. Chinnici-Zuercher noted that the application relates to an event for St. Patrick's Day weekend in 2015.

Ms. Salay asked if delaying the review and decision until August is problematic for the Rotary.

Ms. Chinnici-Zuercher responded that she would need to check with Ms. Gibson about the timing.

Mr. Lecklider asked what time the executive session is scheduled to begin on Tuesday, July 1.

Ms. Grigsby responded that there are several matters that staff hopes to bring before Council in the July 1 executive session that could require a considerable amount of time. This may necessitate meeting at 6 p.m. instead of 6:30 p.m.

Ms. Chinnici-Zuercher noted that the Finance Committee will therefore meet in August to conduct this review of the Rotary application.

Vice Mayor Gerber, Administrative Committee Chair stated that a meeting is scheduled tomorrow evening at 6 p.m. to discuss the Charter and Rules of Order. An executive session will follow to discuss personnel matters. All Council members are welcome to attend the meeting.

Mr. Reiner, Community Development Committee Chair noted that there is no Committee business to report at this time.

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He asked Council members to review the proposal in the packet regarding the Eddie Adams Vietnam exhibition. The proposal was to be presented tonight by Mr. Guion, but due to a death in Mr. Guion's family, the presentation has been delayed until July 1.

Vice Mayor Gerber noted that this is a very interesting opportunity, based on his discussion with Mr. Guion and Ms. Puskarcik and review of the brochures.

Mr. Reiner agreed, noting this is of national importance and something typically hosted by major cities.

COUNCIL ROUNDTABLE

Mr. Lecklider commented:

1. A memo regarding neon and neon look alike signs was included in the packet. How does the City propose to address what appears to be a proliferation of these signs? The example provided in the packet is about a transgression that occurred in 2011, yet the sign remains in place.

Ms. Salay added that the signage remains in place, and there is another business in the same center with similar signage.

Ms. Readler commented in regard to the documents of the particular case that were included in the packet and another unrelated case heard before the City's magistrate. There was some discussion in both cases about the definitions of "neon" and "neon look alike" signage. Based on those discussions, Code Enforcement stopped pursuing complaints regarding those neon and neon look alike signs, specifically. Legal staff was asked to review the definition and they performed case law research. The determination was that the City can enforce that section as written. If the desire is to initiate Code enforcement again for this item, that can be done, based on the existing section. The issue that was identified in this further review is that there are LED signs and various new types of signs that the City wants to encourage, yet these could be encompassed by the existing Code section language. Therefore, staff would like to review the section, further define and separate the neon -- which are the open types of signs the City wants to prohibit, while permitting those LED signs -- especially in the Bridge Street District. It will require further analysis of what types of signs are acceptable and which ones the City wants to prohibit.

Ms. Salay stated that she is not familiar with the appearance of an LED sign. Her sense is that the signs that Council considers as "neon look alike" are lit signs in the business windows, indicating the business is open or closed, some of which flash. She is not certain if these are LEDs or neon look alike -- but she does not believe these are consistent with the community standards. One case was dismissed because the magistrate indicated the Code was defective, however staff is now indicating this same case can be pursued. The magistrate had a different opinion, so how can this be reconciled?

Ms. Readler responded that Legal staff spoke with the two magistrates who heard the two separate cases. They indicated they did not dismiss the case based on the definition in the Code. Rather, when there are a series of charges, sometimes a defendant will plead to one and the other charges are dismissed.

Mr. Smith commented that Legal staff reviewed the recordings of the Court session and spoke with Mr. Campbell and Mr. Close who served as magistrates at that time. Both indicated that their interpretation was not that the Code was unenforceable. Legal staff has directed Code Enforcement to resume enforcement. The question at this point is whether there is consensus for Planning staff to draft a new definition that will incorporate LED and other new types of signage on the market.

Vice Mayor Gerber stated that as Ms. Salay indicated, he is not certain what signs are being referred to with this proposed language change. However, he is pleased to hear that Legal staff believes the Code as written is clear and is enforceable. He is also pleased to hear this feedback from the magistrates. His view is that staff should proceed with enforcement of the Code as written.

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Ms. Chinnici-Zuercher commented that she does not disagree, but has a question. The packet includes an example of such signage. Her understanding of such signage is it should advertise the name of the company, not the hours or business offerings with signs in windows. Is this correct? If so, why would this signage have been approved?

Ms. Readler stated that is correct. She deferred to Planning staff on the question of approval of the sign permit.

Ms. Salay recalls that the City attempted to cite this business for the signage, yet the case was dismissed. This individual has proceeded to have signs that are not permitted under Dublin's Code.

Ms. Readler clarified that there were a series of charges for this business owner, The defendant pleaded guilty to one of the other charges, and the remaining charges were dismissed.

Ms. Salay asked if this can now be enforced, given it has continued to exist since the charges were dismissed.

Ms. Readler responded affirmatively.

Ms. Chinnici-Zuercher stated that it is necessary to pursue this enforcement for purposes of holding others accountable to the same standards. She wants clarification that the sign code allows only the name of the company – not what they sell or their hours.

Ms. Readler responded that for this specific case, it related to the neon element. The Code is intended to address the signs with language as she has described. As written, the Code does prohibit this.

Ms. Chinnici-Zuercher noted that the example in the packet contains portions that are not neon, but appear to be lettering on the window and not lit. Is this permissible?

Ms. Readler responded this was one of the other charges. This business was cited for a series of violations. The goal of Code Enforcement cases is to secure compliance, and if this is achieved, the charges are generally dismissed. With regard to this open sign in particular, there was confusion about the Code section language.

Ms. Salay stated there is complete confusion at this time, because this business has been allowed to have the neon sign plus other window signage for all of these years. This is problematic and she is disappointed with what has transpired. She is pleased the Code will now be enforced, but there are many businesses with such signage in place that will have to be cited. In addition, staff is talking of LED signage for Bridge Street District.

Ms. Readler stated that staff would review all of the existing neon-type signs that exist and begin Code compliance proceedings. Staff would also like to explore the newer sign types in the market and return to Council with an amendment to carve out some of these that the City may want to encourage in the Bridge Street District.

Ms. Chinnici-Zuercher stated that in the review of the existing neon-type signs, the other issue to be reviewed is if the City approved them. A recent example of the general issue is the HER signage on Perimeter, where it was determined the size of the letters are much larger than what is allowed, although the staff approved the sign. It seems that if permits were issued, the City cannot go back and demand the sign be changed.

Ms. Grigsby responded that for many of the open-style signs under discussion, there were no permits approved. The HER sign referenced was approved in error on the City's part. The size and color of the signage is fine – it is the size of the lettering that is not compliant.

Vice Mayor Gerber reiterated that the Code should now be enforced. If there are new signage types for review, such as LED, that can be done. It seems that there has been some inconsistent sign code enforcement and inconsistent sign permit approval over the years – regardless of the Code language. A review of what is permitted and enforced is warranted. Discussion can be held at a later time when the information is available.

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Mr. Lecklider stated that he does hear consensus on this matter, whether it will require an amendment or whatever. If there is a desire to carve out some exception of sign types for the Bridge Street District, a later discussion will be necessary.

Mr. Lecklider continued:

2. In regard to the memo about temporary real estate signs, he is trying to balance the interests with this. Staff indicates that it is in the City's interest to have vacant commercial space leased. However, in reading the staff memo, it seems that someone could have such a sign in place in perpetuity. A building owner would naturally have a sign in place in order to advertise the space for lease. Residential real estate signs in yards are a decades old tradition/practice. Practically speaking, for someone buying a home, do they really drive through neighborhoods to view property for sale – or do they engage an agent to identify the available properties? For commercial real estate leasing, he is not as familiar with practices. The temporary signs for commercial real estate remain in place from year to year.

Ms. Salay added that she finds it ironic that Dublin is so careful with the sign code, appearance of buildings, architecture and landscaping to achieve the highest aesthetic standards. Yet the City allows huge temporary signs that remain in place indefinitely. Residential and commercial real estate are very different, and she believes prospective buyers drive through neighborhoods looking for homes. For commercial real estate, she believes it is unlikely that they will drive by the building. They may contact the Economic Development department about potential office space. She is not opposed to some temporary signs, but believes there should be a limit to the number, the size and the time period. There is a building at Tuttle and Frantz Road where this temporary signage has been in place since the building opened.

Vice Mayor Gerber stated that there is a balance with respect to free speech rights. He is aware that some do drive through the commercial districts to identify office space. He would like to see a report on the City's procedures and processes in regard to such signs. There must be a better way to monitor these signs.

Mr. McDaniel agreed that balance is the key. He shares the frustration with the perpetual signs in place. On the other hand, after discussion with Economic Development staff, he is aware that these signs do serve a purpose for economic development – particularly in multi-tenant buildings. Many small business owners do drive around and identify buildings and the brokers and then contact staff with questions. For a single-tenant building where staff is aware of the lease term, it is possible to monitor the signage more closely versus multi-tenant buildings. In summary, there is a balancing act for this type of regulation.

Mr. Lecklider commented that perhaps there is an electronic application that could be utilized in identifying available commercial space.

Mr. Reiner stated that for the larger buildings with multiple tenants, perhaps once 70-80 percent of the building is leased, the signage should be smaller in size. He does agree that business owners do drive through the City to view commercial space for lease as identified by signs.

Ms. Chinnici-Zuercher suggested that the City could consider smaller signage for this purpose. In addition, it seems there are many such signs permitted on a property that has frontage on two roads. All of the work on aesthetics of the building with landscaping, etc. is lost, due to the size of these temporary signs and number being permitted. For a building with multiple tenants, the leases expire throughout the year, which would necessitate signage on an ongoing basis.

Mr. Langworthy stated that part of staff's proposal to address this is to have smaller signs, and for locations where two signs are allowed, there would be a minimum separation of 50 feet between them.

Vice Mayor Gerber summarized that this seems a good topic for a future work session, given all of this discussion.

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Mr. Peterson:

1. Thanked staff for installing the directional signage at Darree Fields.
2. Followed up regarding the memo about the Martin Road bike path extension and the recommendation to Council, expected in August. When staff brings forward a recommendation, will Council be asked to make a decision at that time, or will there be multiple hearings? How are residents in the area notified of that hearing date?

Ms. Grigsby stated that staff will schedule this item for an August agenda, which will be advertised. The residents will also be notified. This matter can also be discussed at the CIP workshop. The project would not be scheduled this year, in any case. Staff will ensure the affected residents are provided adequate notice of the scheduling of this item.

Ms. Salay suggested this item not be scheduled as part of the CIP workshop, as these are not typically venues for public participation.

Ms. Grigsby added that each bike path connection involves unique circumstances. In general, bike path connections made near neighborhoods bring opposition from the majority of immediate neighbors. Hearing that the neighbors do not want this bike path is not unusual, based on past experience.

Mr. Peterson stated that he appreciated the staff-hosted meeting with the neighborhood about how this project evolved and the future plans.

3. Noted he attended a meeting with the East Dublin Civic Association last week. A number of issues were raised. One of these related to a garage under construction on Bright Road, just east of Riverside Drive. Currently, there is a large pile of gravel on site. What is the status of this project, given the condition and is it possible for a driveway connection to be made to Bright Road?

Ms. Grigsby responded that there was a previous inquiry about this project. Staff will provide updated information on the status of this project.

Ms. Salay stated that to log on to Wi-Fi with an iPad in City buildings, it is necessary to go through Facebook – either by registering with Facebook for a code, or using a personal Facebook account. She does not want to use Facebook for this access to Wi-Fi in City buildings. Can the Facebook connection step be eliminated? Many people do not want to participate in Facebook, yet do want to use the City Wi-Fi available at the Rec Center.

Ms. Crandall responded that there is the option of logging in through Facebook, but it is also possible to use a code for access.

Ms. Salay stated that the code must be obtained from Facebook. She wants to eliminate using Facebook as an access point for the general public in City buildings.

Ms. Crandall indicated that staff will review other options.

Ms. Chinnici-Zuercher:

1. Noted that the recycling bin in front of the Dublin Village Tavern has lots of orange tape around the receptacle and the light poles in the area, and has been like this since installation.

Ms. Grigsby stated that staff will follow up on this item.

2. Reported that she attended the Ohio Municipal League Board meeting on Friday. The packet of materials will be placed in the Council planning room. An important discussion item at the meeting was in regard to House Bill 5. OML will initiate some interested party meetings over the summer to devise a strategy on influencing and educating the legislature about the negative impacts of the Bill on municipalities.
3. Noted that she has served for a number of years, including this year, as a judge for the Business First Corporate Caring awards. The luncheon took place last week and IGS Energy received a major award for medium-sized companies for their work in the area of education. She will forward that brochure to Mr.

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McDaniel so that staff can formally acknowledge the awards given to the Dublin companies.

Vice Mayor Gerber noted that the CIP workshop is scheduled for Monday, August 18. In recent months, the residents of the newly formed civic association (Mid-Century Dublin Neighbors Association) petitioned Council about some improvements they were seeking. His understanding is that Council would receive a report from staff about this request by the time of the CIP review in August.

Ms. Grigsby responded that staff has information assembled that will be part of the CIP review. Those streets in the City without curb and gutter have been identified and estimates prepared for those improvements. This information will be presented as part of the CIP workshop in August.

ADJOURNMENT

The meeting was adjourned at 8:50 p.m.

Vice Mayor – Presiding Officer

Clerk of Council